

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, MAY 7, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

May 21, 2015 @ 9:30 a.m.:

- a. Central Wave, 368 Central Avenue, Dover, NH.
Restaurant Full Service With Lounge License #1342503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working – 3 counts.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Dates of violations: March 14, 2014 & August 2, 2014.
Case #: 14-105-OF & 14-288-OF.

May 21, 2015 @ 10:00 a.m.:

- b. Chapanga's Griddle & Grill, 168 Elm Street, Milford, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1411203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, II – allowed an underage person to possess or consume alcoholic beverage.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: September 20, 2014.
Case #: 14-377-OF.

May 21, 2015 @ 10:30 a.m.:

- c. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.
Case #: 14-413-OF, 14-338-OF & 15-24-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.
HEARING REQUESTED BY LICENSEE.
LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.

May 21, 2015 @ 1:00 p.m.:

- d. Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 6, 2014.
Case #: 14-42-OF.
LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.
DISCREPANCY IN NOTICES RELATED TO HEARING RESULTED IN RESCHEDULING HEARING.

July 15, 2015 @ 9:30 a.m.:

- e. Club Manchvegas, 50 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1419703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violation: March 22 – 23, 2014.
Case #: 14-124-OF.
LICENSEE WILL FILE A MOTION TO CONTINUE.
DECISION PENDING.
MOTION GRANTED.

Date to be determined:

- f. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. American Legion Post 47, Foundry Street, Rollinsford, NH.
Veterans Club License #16939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated resulting in 1 fatality and 1 personal injury.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: July 20, 2013.
Case #: 13-197-OF.
An administrative fine of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for seven (7) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing May 2, 2015 with re-grant on May 8, 2015, Ronald Chaput, Freeman Lane and Brian Day shall attend a Management Training Seminar (MTS) in a classroom by May 30, 2015 and Gail McGlone shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom by May 20, 2015.
COMMISSION ACKNOWLEDGED.

- b. Tokyo Express, 14 Cypress Street, Keene, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1438003 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person – 7 counts.
Cited for violation of RSA 179:8, I – failed to require the purchaser to furnish a motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the licensee – 7 counts.
Date of violations: April 11, 2014.
Case #: 14-135-OF.
For violations of RSA 179:5, I, an administrative fine of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for nine (9) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing May 17, 2015 with re-grant on May 23, 2015 and Mei Lian Gao and Ming Gao shall attend a Management Training Seminar (MTS) in a classroom in Keene, NH on April 15, 2015; for violations of RSA 179:8, an administrative fine of \$700 shall be suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Balducci's Pizza, 419 South Broadway, Salem, NH.
Restaurant Beverage and Wine License #1405003 licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: March 3, 2015.
Case #: 15-69-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Hellas Import, 147 Brook Street, Brookline, MA.
Beverage Vendor License #43531 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II/Liq. 506.10(b) – failed to file forms 258 and 334 for January, 2015.
Date of violation: February 27, 2015.
Case #: 15-66-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Finnegan Fleming Restaurant Corp. DBA Purple Urchin Seaside Café,
167 Ocean Boulevard, Hampton, NH 03842.
To be issued Seasonal Restaurant On-Premise Cocktail Lounge License #1508603
pursuant to RSA 178:22.
30 Day Temporary License issued: 5/1/2015.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- b. James Gale DBA JJ's Woodfired Tavern, 1 Hill Road, Franklin, NH 03235.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1505803
pursuant to RSA 178:21.
30 Day Temporary License issued: 4/28/2015.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- c. Raymond Area Rotary Club, New England Dragway, 280 Exeter Road, Epping, NH 03042.
To be issued a one-day license for Voluntary Nonprofit Organizations Beverage/Wine/Liquor
pursuant to RSA 178:22, V(I).
Event date: 5/16/2015.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**

- d. Roman Catholic Bishop of Manchester DBA Sacred Heart School,
289 Lafayette Road, Hampton, NH 03842.
To be issued a one-day license for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(I).
Event date: 5/16/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. W & F Restaurant Corp. DBA Liu's Garden, 656 Columbus Avenue, Rochester, NH 03867.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1495903 pursuant to RSA 178:21.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MAY 1, 2015: 1,121

- a. Baystate Wine & Spirits LLC, 40 Robbie Road, Unit A, Avon, MA 02322.
To be issued Liquor and Wine Representative Off-Premise Wine and Liquor License #607235 pursuant to RSA 178:10.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Benjamin Jones DBA Big Water Brewery, 24 Robie Road, Salisbury, NH 03268.
To be issued Nano Brewery Beer and/or Specialty Beer License #201922 pursuant to RSA 178:12-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Hawks View Cellars LLC, 20210 Southwest Conzelmann Road, Sherwood, OR 97140.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Savage Sales Group LLC DBA Vibe Wines, 120 Galsworthy Street, Thousand Oaks, CA 91360.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

7. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

8. **CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

9. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,
Pease International, 1 Redhook Way, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1036603 licensed pursuant to RSA 178:22.
Date petition received: 3/31/2015.
Requested approval for an outside area, to wit, an outside, front parking lot area with a capacity of 200 on May 3, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. El Tapatio Restaurante Mexicano LLC, Pennichuck Square, 4C Route 101A, Merrimack, NH 03054. Restaurant On-Premise Cocktail Lounge License #1398103 licensed pursuant to RSA 178:22. Date petition received: 4/23/2015. Requested approval for authorization of other area, to wit, an outside patio/sidewalk area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Kent Gia Loc DBA Ming Du, 207 West Main Street, Hillsborough, NH 03244. Restaurant On-Premise Beverage and Wine License #1381303 licensed pursuant to RSA 178:20. Date petition received: 4/17/2015. Requested approval for authorization of other areas, to wit, an outside deck area with a capacity of 16 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. T-D Hospitality LLC DBA Cara Irish Pub & Restaurant, 11 Fourth Street, Dover, NH 03820. Restaurant On-Premise Cocktail Lounge License #1440403 licensed pursuant to RSA 178:22. Date petition received: 11/25/2014. Requested approval for authorization of other areas, to wit, an additional dining room area with a capacity of 234 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Throwback Brewery LLC, 121 Lafayette Road, Bldg. 2, #3, North Hampton, NH 03862. Nano Brewery, Beer and/or Specialty Beer License #200222 licensed pursuant to RSA 178:12-a. Date petition received: 4/28/2015. Requested approval for authorization of other areas, to wit, City of Portsmouth Farmers' Market at the City Hall parking lot in Portsmouth, NH between 8:00 am and 1:00 pm from May 2, 2015 through November 7, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Throwback Brewery LLC, 121 Lafayette Road, Bldg. 2, #3, North Hampton, NH 03862. Nano Brewery, Beer and/or Specialty Beer License #200222 licensed pursuant to RSA 178:12-a. Date petition received: 4/27/2015. Requested approval for authorization of other areas, to wit, Town of Exeter Farmers' Market at Swasey Parkway in Exeter, NH between 1:30 pm and 6:30 pm from May 7, 2015 through October 29, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Vacation Camp Resort Int In DBA Yogi Bear's Jellystone Park, 39 Jellystone Park, New Hampton, NH 03256. Seasonal Combination Off-Premise Beverage/Wine/Tobacco License #856647 licensed pursuant to RSA 178:18. Date petition received: 4/20/2015. Requested approval for authorization of other areas, to wit, an outside beer tasting area with a capacity of 150 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

Wolfeboro, NH.

13. NOTIFICATION OF HEARING RESULTS:

None

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Vermont Hard Cider Company LLC, 153 Pond Lane, Middlebury, VT 05753.

Beverage Vendor License #34431 licensed pursuant to RSA 178:15.

Requests approval of Woodchuck Hard Cider Hopsy Turvy Hard Cider with an alcohol content of 6.8% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

15. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

New Hampshire Travel Council,

Colony Mill Marketplace, 2nd Floor, 222 West Street, Keene, NH 03431.

To be issued a one-day license for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(I).

Event date: 5/4/2015.

Recommendation: Expedited Approval.

Commission approved on 4/29/2015.

COMMISSION ACKNOWLEDGED.

16. NOTIFICATION OF LATE ITEMS:

a. Applecrest Farm Bistro LLC, 133 Exeter Road, Hampton Falls, NH 03844.

To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1503403 pursuant to RSA 178:21.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

b. Applecrest Farm Orchards LLC, 133 Exeter Road, Hampton Falls, NH 03844.

To be issued Combination Off-Premise Beverage and Wine License #3326747 pursuant to RSA 178:18.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

c. Applecrest Farm Bistro LLC, 133 Exeter Road, Hampton Falls, NH 03844.

Restaurant On-Premise Beverage/Wine/Liquor License #1503403 licensed pursuant to RSA 178:21.

Date petition received: 5/4/2015.

Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 52 pursuant to RSA 178:24 and Liq. 404.05.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

d. Applecrest Farm Bistro LLC, 133 Exeter Road, Hampton Falls, NH 03844.

Restaurant On-Premise Beverage/Wine/Liquor License #1503403 licensed pursuant to RSA 178:21.

Date petition received: 5/4/2015.

Requested approval for storage in another area, to wit, to store alcohol in a 12 X 12 walk in at the west end of the building pursuant to RSA 178:24 and Liq. 404.05.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.